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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,951	03/31/2004	R. Clark Jeffery	976-4/MBE	4889

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EXAMINER

KOYAMA, KUMIKO C

ART UNIT PAPER NUMBER

2876

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/812,951	Applicant(s) JEFFERY, R. CLARK	
	Examiner Kumiko C. Koyama	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Amendment received on September 18, 2006 has been acknowledged.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4-7, 9-11, 13-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCasland (US 5,856,931) in view of Lovoi (US 6,480,699).

Re claims 1, 2, 4, 10, 11 and 13: McCasland teaches identifying element 13 that is affixed at all inspection points (col 6, lines 50-51). The identifying element is a bar code tag or a form of geographical locating system utilizing RF communications means (col 6, lines 54-59). Such tags at the inspect points are labels each containing a unique indicia. McCasland teaches a portable device that is provided with a laser bar code scanner 21 (col 6, lines 30-32), which is a portable reader for reading the indicia on the labels. McCasland also teaches a database 14 that includes all information related to the individual inspection points, archived inspection histories, and unique tag information (col 6, lines 60-63). McCasland also teaches a process and system software 15 that manipulates database 14 to present data, analyze data, formulate inspection routes, transmit the relevant information to portable device 11, operate portable device 11 and any associated hardware required to practice the invention (col 6, lines 65-col 7, lines 4). Once

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the desired route has been created, the route is presented to the users who will perform the route. This may be done using the data card 12 or by making the route visible on a display using an RF network of data transmission network. Directions to each inspection point 50 is provided to the user along with instructions for activities and tasks relative to each inspection points on the optimized schedule (col 16, lines 55-65). Such displaying and directions of routes is a repair task route. The user performs specific actions as directed by the portable device 11 and records activities or information by using the device 11 to read or deduce a unique code, such as a bar code, from the identifying element 13, which may be a bar coded tag, attached at or near the inspection point (col 17, lines 2-13). Information gathered or transmitted by or from the portable device 11 is used for archival purposes to determine information such as schedule adherence (col 17, lines 17-25). Another route is created after determining adherence to an inspection schedule, and creates a route for urgently overdue items (col 8, lines 5-15).

McCasland fails to teach that the labels are physically associated with a light fixture.

Lovoi discloses a group of tags, which are called light fixture tags, that is mounted on a light fixture, such as a table lamp or a ceiling lamp (col 14, lines 30-35). Lovoi further teaches that conventionally these tags are used to control, detect and track items.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Lovoi to the teachings of McCasland because light fixture also require periodic maintenance (e.g., replace bulbs) and repair to keep the facility lit at all times.

Re claims 5 and 14: McCasland further teaches that the portable device 11 includes a manual input keypad (col 16, lines 65-col 17, line 2).

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Re claims 6 and 15: McCasland further teaches that the portable device 11 includes a display (col 16, lines 65-col 17, lines 2).

Re claims 7 and 16: McCasland teaches that the database includes archived inspection histories (col 6, lines 60-62).

Re claims 9 and 18: McCasland teaches that the information includes specific point types (col 7, lines 5-10).

3. Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCasland in view of Lovoi as applied to claim 1 above, and further in view of Dolin (US5,519,878). The teachings of McCasland as modified by Lovoi have been discussed above.

McCasland as modified by Lovoi fails to teach a circuit breaker controlling power to each light fixture.

Dolin teaches switches 105-108 when these switches are closed, the I/O circuitry 202 may detect the state change and pass the information along to the cell 201, which then transmits that information onto the communication medium 110. This controls certain lights and/or other devices that are present in the house 100 shown in Fig. 1 (col 5, lines 37-44).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Dolin to the teachings of McCasland as modified by Lovoi because malfunction of a light fixture could be closely related to the status of the circuit breaker and therefore, it is important to know the details of the circuit breaker to properly repair the light fixture. Such modification ensures that information related to the light fixture is quickly retrieved by storing the details of the circuit breaker in the same storage database as the light fixture details.

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4. Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCasland in view of Lovoi as applied to claim 1 above, and further in view of Beller et al (US 5,602,377). The teachings of McCasland as modified by Lovoi have been discussed above.

McCasland as modified by Lovoi fails to teach that the information in the database includes warranty information for each light fixture.

Beller teaches that information in the database includes length of warranty period (col 9 lines 41-13).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Beller to the teachings of McCasland as modified by Lovoi and include warranty information in the database in order to constantly provide an operable light fixture.

5. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCasland in view of Lovoi as applied to claim 10 above, and further in view of Benson et al (US 5,635,693). The teachings of McCasland as modified by Lovoi have been discussed above.

McCasland as modified by Lovoi fails to teach downloading information from the database to a master database at another geographic location.

Benson discloses that the information gathered by the base station (120) can be transferred among remote computers (140) and the main computer (130) via communication lines (145) (col 6 lines 53+).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Benson to the teachings of McCasland as

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modified by Lovoi such that the stored information is stored at another location for back up purposes in case the local database becomes corrupted or deleted.

Response to Arguments

6. Applicant's arguments filed September 18, 2006 have been fully considered but they are not persuasive.

7. The Affidavit under 37 CFR 1.132 filed May 23, 2005 is insufficient to overcome the rejection of claims 1-19 based upon McCasland in view of Lovoi as set forth in the last Office action because: facts presented are not germane to the rejection at issue.

8. It include(s) statements which amount to an affirmation that the affiant has never seen the claimed subject matter before. This is not relevant to the issue of nonobviousness of the claimed subject matter and provides no objective evidence thereof. See MPEP § 716.

9. It states that the claimed subject matter solved a problem that was long standing in the art. However, there is no showing that others of ordinary skill in the art were working on the problem and if so, for how long. In addition, there is no evidence that if persons skilled in the art who were presumably working on the problem knew of the teachings of the above cited references, they would still be unable to solve the problem. See MPEP § 716.04.

10. It refer(s) only to the system described in the above referenced application and not to the individual claims of the application. Thus, there is no showing that the objective evidence of nonobviousness is commensurate in scope with the claims. See MPEP § 716.

11. In view of the foregoing, when all of the evidence is considered, the totality of the rebuttal evidence of nonobviousness fails to outweigh the evidence of obviousness.

However, since the Examiner has not addressed the Affidavit in the previous office action mailed, this action will be non-final.

As for Applicant's arguments with respect to the rejection relied upon McCasland in view of Lovoi, Applicant submits that McCasland teaches away from the present invention, and therefore, does not teach a "repair task route." However, the Examiner respectfully disagrees. Applicant specifically submits that the present invention teaches the automatic generation of a repair task route optimized according to earlier reports concerning light fixtures in need of repair. However, the Examiner directs the arguments to the claims and the Examiner believes that Applicant's intension to claim the automatic generation of the a repair task route optimized according to the earlier reports concerning light fixtures in need of repair is not fully recited in the claims. The presently claimed invention does not mention "optimizing" nor does it mention utilizing "earlier reports concerning the light fixtures in need of repair." The claim recites "generate a report with information specific to light fixtures associated with the labels read by the reader" and "the report comprising a repair task route based on relative locations of the light fixtures physically associated with the labels read by the reader, specifying a sequence of fixture maintenance based on the relative locations of the light fixtures." Such recited claims does not necessitate the Examiner to read on the claims such that the system is "optimizing" or utilizing "earlier reports concerning the light fixtures in needs of repair." However, even though these specific words were not recited in the claims, McCasland remain to teach these limitations because McCasland recites "instructions for activities and tasks relative to each inspection points

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on the optimized schedule” as presented in the rejection above. Therefore, the Examiner believes that McCasland in view of Lovoi still reads on the claimed invention.

Applicant further submits that McCasland does not teach that a computer can “generate a maintenance report with an optimized repair task route, setting out the supplies that will be required, any special or unusual circumstances relating to specific fixtures 10, and the location of the circuit breaker which controls power to each fixture 10”; and a “computer 30 is programmed to establish a repair task route for fixtures 10 identified by the observer as being in need of repair, which is set out in a maintenance report 32 in the nature of a work order”; Although these descriptions were presented in the specification of the current application, similar to the above arguments provided by the Examiner, these descriptions were not recited in the claims.

Therefore, the Examiner is not limited to read the claims under these description, which was intended by the Applicant. Therefore, the Examiner believes that McCasland in view of Lovoi still reads on the claimed invention. Applicant also submits that McCasland does not teach a “repair task route” that is “based on the location of the light fixtures 10 corresponding to the bar codes scanned by the scanner 20 during an observation run.” Although the claim recites “generate a report with information specific to light fixtures associated with the labels read by the reader” and “reading the indicia on the labels physically associated with light fixtures observed to be in need of repair or maintenance,” these steps are taught by McCasland in view of Lovoi. As described above in the rejection, McCasland discloses that the route is presented to the users who will perform the route and directions to each inspection point is provided to the user along with instructions for activities and tasks relative to each inspection points on the optimized schedule. Furthermore, the user performs specific actions as directed by the portable device and

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records activities or information by using the device to read or deduce a unique code, such as a bar code, form the identifying element, which may be a bar coded tag, attached at or near the inspection point. Such disclosure teaches the recited limitations.

Furthermore, Applicant submits that there is no teaching that a repair task route may be separately, automatically generate to address only the "trouble" spots or spots requiring attention. However, Applicant does not define what is considered as a "trouble" spot or what is consists in the definition "repair" in the either of the claims. Since McCasland discloses inspection points, such inspection points can be considered as trouble spots or repair locations. And the route is based on the these inspection points. Therefore, McCasland discloses the claimed invention.

Therefore, McCasland in view of Lovoi discloses the presently claimed invention, and arguments are not persuasive for the reasons provided above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kumiko C. Koyama whose telephone number is 571-272-2394. The examiner can normally be reached on Monday-Friday 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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November 27, 2006


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